IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

WEDNESDAY, THE THIRTEENTH DAY OF JULY
TWO THOUSAND AND FIVE

PRESENT

THE HON'BLE MR JUSTICE C.V.RAMULU

WRIT PETITION No. 27158 of 1999

Between:

G.V.Reddy S/o.Matta Reddy
R/o.Plot No.19 , Gopuvanipalem,

Padmavathi Colony Near Railway Station ,

Nalgonda.

..... PETITIONER

AND

1 The Industrial Tribunal
Hyderabad.
2 The Depot Manager
APSRTC , Bus Depot Nalgonda.

.....RESPONDENTS

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to May be pleased to issue a writ, order or direction , more particularly one in the nature of writ of Certiorari and after calling for the records Relating to I.D.No.150/98 on the file of the industrial Tribunal , Hyderabad and quash the Award in I.D.No.150/98 (old No.18/95 of Labour Court -- III Hyderabad) and consequently direct the 2nd respondent to reinstate the petitioner into service as conductor with continuity of service , back wages and with all other attendants benefits and pass such other order or orders.

Counsel for the Petitioner: SMT.P.VIJAYA KUMARI

Counsel for the Respondent No.1: G.P.FOR LABOUR

Counsel for the Respondent No.2: MR V.T.M.PRASAD

The Court made the following:

ORDER:

This writ petition is filed by the workman, being aggrieved by the award passed by the Industrial Tribunal-III, at Hyderabad (hereinafter referred to as "the Tribunal") in I.D.No.150 of 1998, dated 24.06.1999, wherein the petition filed by the petitioner under Section 2-A (2) of the Industrial Disputes Act, 1947 (hereinafter referred to as "the Act") was rejected without granting any relief.

It is the case of the petitioner that he was appointed as a Conductor in the 2nd respondent Corporation with effect from 31.12.1985. While so, when he was conducting the bus on the route Nadigadda to Nalgonda on 31.07.1991, a check was exercised at stage No.15 and the checking officials found some cash and ticket irregularities on his and issued a memo, and on the basis of the memo, a charge sheet was also issued. Having not satisfied with the explanation submitted by the petitioner, a detailed enquiry was conducted, and after following all the formalities, the disciplinary authority passed final orders on 12.02.1992, removing the petitioner from service. Aggrieved by the same, the petitioner preferred an appeal and review, which were also rejected on 24.12.1992 and 02.07.1993 respectively. Therefore, having no other way, the petitioner filed a petition under Section 2-A (2) of the Act before the Labour Court-III, at Hyderabad, which was taken on file initially as I.D.No.18 of 1995 and subsequently the same was
re-numbered as I.D.No.150 of 1998. The said I.D. was also dismissed by order dated 24.06.1999. Therefore, the petitioner is constrained to approach this Court by filing this writ petition.

I have given my earnest consideration to the respective submissions made by the

learned counsel on either side and perused the award passed by the Tribunal and other material made available on record.

At the outset, I am of the opinion that the Tribunal has not committed any error apparent on the face of the record, requiring interference of this Court under Article 226 of the Constitution of India. The petitioner admittedly committed a grave misconduct of re-issuing used tickets under all the three charges referred to in the award. The re-issuing of used tickets to passengers, which is a matter of record were proved in full. Therefore, the Tribunal has rightly held that the charges are grave in nature and the petitioner is not entitled for any relief under Section 2-A (2) of the Act.

It is further curious to note that the past conduct of the petitioner was not at all satisfactory. He was inflicted punishment of stoppage of one increment with cumulative effect in the month of Feburary, 1998, stoppage of two increments with cumulative effect in the month of May,1999 and also stoppage of one increment with cumulative effect in the month of March, 1991. Further he was also censured once for the similar misconduct of cash and ticket irregularities. In spite of this, the petitioner has not improved himself and in fact involved into a grave misconduct. The petitioner has withheld the tickets issued to the passengers in the earlier trips and used them for his wrongful gain, causing loss of the revenue to the 2nd respondent Corporation. Therefore, I am of the opinion that the Tribunal has rightly declined to consider the plea of the petitioner that the punishment of removal was disproportionate to that of the misconduct alleged against him and he is entitled for lesser punishment.

For all the reasons, the award passed by the Tribunal does not call for interference of this Court under Article 226 of the Constitution of India and the writ petition is devoid of merits and is liable to be dismissed.

Accordingly, the Writ Petition is dismissed. No order as to costs.

_____

C.V.RAMULU,J

Dated: 13.07.2005

Dsr

To:

1. The Chairman,

Industrial Tribunal,

Hyderabad

2. The Depot Manager,

A.P.S.R.T.C Bus Depot,

Nalgonda

3. Two CCs to the Government Pleader

for Labour, High Court Buildings,

Hyderabad (OUT)

4. Two CD copies